

16711 U.S.PTO  
120403

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120403 U.S.PTO  
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Mail Stop Patent Application  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Express Mail No.: EV 170393633 US

Attorney Docket No.: 2002834-0232

Date Filed: December 4, 2003

## CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number EV 170393633 US

Date of Deposit: December 4, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service as "*Express Mail Post Office to Address*" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

*Kathy Hart Gagnon*

Signature

Kathy Hart Gagnon

Typed Name

## UTILITY PATENT APPLICATION TRANSMITTAL

(for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Dear Sir:

Please find enclosed a patent application and papers as follows for:

Inventor(s):

| Given Name (first and middle) | Family Name or Surname | Residence                                    |
|-------------------------------|------------------------|----------------------------------------------|
| Michael J.                    | Caplan                 | 1217 Racebrook Road<br>Woodbridge, CT 06525  |
| Kim H.                        | Bottomly               | 177 Livingston Street<br>New Haven, CT 06511 |
| Howard B.                     | Sosin                  | 640 Sasco Hill Road<br>Fairfield, CT 06824   |
| A. Wesley                     | Burks                  | 306 Faison Road<br>Chapel Hill, NC 27517     |
| Hugh A.                       | Sampson                | 19 Carleon Avenue<br>Larchmont, NY 10538     |

Title of the Invention: **MICROBIAL DELIVERY SYSTEM**

A) APPLICATION ELEMENTS:

- 1) ☐ **Fee Transmittal Form** (original and duplicate submitted for fee processing)
- 2) ☒ **Applicant Claims Small Entity Status** (see 37 C.F.R. § 1.27)
  - a) ☐ Statement Verifying Small Entity Status
- 3) ☒ **Specification** TOTAL PAGES: 54
  - Priority Information
  - Related Applications
  - Background of the Invention
  - Summary of the Invention
  - Brief Description of Figures
  - Definitions
  - Description of Certain Preferred Embodiments
  - Other Embodiments
  - Examples
  - Claims (4 pages)
  - Abstract (1 page)
  - Appendix A (14 pages)
- 4) ☒ **Drawing(s)** (35 U.S.C. § 113)
  - a) ☒ Informal Drawings TOTAL SHEETS: 4
  - b) ☒ Formal Drawings TOTAL SHEETS: 4
- 5) ☐ **Oath or Declaration**
  - a) ☐ Newly Executed (original or copy)
  - b) ☐ Copy from a prior application (see 37 C.F.R. § 1.63(d)) - for continuation/divisional application
  - c) ☐ Unexecuted
- 6) ☐ **Application Data Sheet** (see 37 C.F.R. § 1.76)
- 7) ☐ **CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)**

8) X **Nucleotide and/or Amino Acid Sequence Submission**

- a) X Computer Readable Form (CRF).
- b) X Specification Sequence Listing on:
  - i) \_\_\_ CD-ROM or CR-R; or
  - ii) X Paper (3 pages).
- c) X Statement under 37 C.F.R. § 1.821(f) (2 pages).
- d) X Amendment introducing Sequence Listing (see Preliminary Amendment).

B) ACCOMPANYING APPLICATION PARTS:

- 9) \_\_\_ **Assignment Papers**
- 10) \_\_\_ **37 C.F.R. § 3.73(b) Statement**
- 11) \_\_\_ **Power of Attorney**
- 12) \_\_\_ **English Translation Document** (if applicable)
- 13) X **Information Disclosure Statement (IDS)/PTO-1449** (26 pages)
- 14) X **Statement Filed Pursuant to the Duty of Disclosure Under 37 C.F.R. §§ 1.56, 1.97 and 1.98** (5 pages)
- 15) \_\_\_ **Copies of IDS Citations**
- 16) X **Return Receipt Postcard (MPEP § 503)** (specifically itemized)
- 16) \_\_\_ **Certified Copy of Priority Document(s)** (if foreign priority is claimed)
- 17) X **OTHER:** (if applicable, specified below)
  - (a) **Preliminary Amendment** (5 pages)
  - (b) **Statement of Limited Recognition under 37 C.F.R. § 10.9(b)** (1 page)

C) FOR CONTINUING APPLICATIONS: (the appropriate box is checked, and certain information is provided below and in a preliminary amendment)

     CONTINUATION                        X   DIVISIONAL                           CONTINUATION-IN-PART (CIP)

OF PRIOR APPLICATION NO: 09/731,375  
FILED: December 6, 2000  
EXAMINER: HUYNH  
GROUP/ART UNIT: 1644

**FOR CONTINUATION OR DIVISIONAL APPLICATIONS ONLY:** THE ENTIRE DISCLOSURE OF THE PRIOR APPLICATION, FROM WHICH AN OATH OR DECLARATION IS SUPPLIED AS DETAILED ABOVE, IS CONSIDERED A PART OF THE DISCLOSURE OF THE ACCOMPANYING CONTINUATION OR DIVISIONAL APPLICATION AND IS HEREBY INCORPORATED BY REFERENCE.

D) PRIORITY CLAIM(S):

This application claims the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below:

| Application Number | Filing Date             | Status         |
|--------------------|-------------------------|----------------|
| <b>09/731,375</b>  | <b>December 6, 2000</b> | <b>Pending</b> |

PCT Applications designating the United States:

| Application Number | Filing Date | Status |
|--------------------|-------------|--------|
|                    |             |        |

This application claims the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Provisional Application(s):

| Application Number | Filing Date          | Status         |
|--------------------|----------------------|----------------|
| <b>60/195,035</b>  | <b>April 6, 2000</b> | <b>Expired</b> |

E) METHOD OF PAYMENT OF FILING FEES FOR THIS APPLICATION:

- X Applicant claims small entity status 37 C.F.R. § 1.27.
- X A check is enclosed to cover the filing fee.
- X The Commissioner is hereby authorized to charge any additional filing fees or credit any overpayment to Deposit Account Number 03-1721.

|                                                                                        |                        |
|----------------------------------------------------------------------------------------|------------------------|
| Basic Filing Fee (Small Entity)                                                        | \$385.00               |
| Additional Fees:                                                                       |                        |
| Total Number of Claims in excess of 20: ( <u>11</u> - 20) = <u>0</u> x \$ <u>9</u>     | \$0.00                 |
| Number of Independent Claims in excess of 3: ( <u>1</u> - 3) = <u>0</u> x \$ <u>43</u> | \$0.00                 |
| Multiple Dependent Claims - <b>NONE</b> (\$ <u>280</u> ):                              | <u>\$0.00</u>          |
| Total Filing Fee:                                                                      | <u><b>\$385.00</b></u> |

F) CORRESPONDENCE ADDRESS:

- X Correspondence Address:

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G) GOVERNMENT SUPPORT

The invention was made, in part, by an agency of the United States Government or under a contract with an agency of the United States Government:

- X No.
- \_\_\_\_ Yes.

The name of the U.S. Government agency and the Government contract number are:

\_\_\_\_\_

Respectfully Submitted,



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Charles Lyon, D.Phil.

Agent for Applicant

Limited Recognition Under 37 C.F.R. §10.9(b)

Date: December 4, 2003

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